

REMARKS**Status of Claims**

Claims 1 through 19 are pending in the application of which claims 3 through 6 have been withdrawn from consideration. Claims 1, 2, and 7-19 have been rejected under 35 U.S.C. §112, first paragraph, written description. The claims have not been amended.

Telephonic Interview Request

Applicants respectfully request a telephone conference with the Examiner to expedite prosecution of this application. After the Examiner has reviewed the instant amendment, Applicants request that the Examiner please telephone Applicants' representative at (858) 720-7961.

Claims rejected under 35 U.S.C. §112, first paragraph, written description

The Office maintains the rejection of Claims 1, 2, and 7-19, under 35 U.S.C. §112, first paragraph, written description.

In the previous response mailed to the U.S. Patent and Trademark Office on February 16, 2007, Applicants previously clarified to the Office that the subject matter at issue were known structures at the time of the invention, and offered references to illustrate that the biological sequences used in the claimed invention were known individually in the art at the time of the invention.

Applicants wish to acknowledge the Office's statement on page 3 of the current OA that the references "could be construed as admitted prior art". Applicants would like to clarify for the Office that the pending claims are a novel combination of old (as shown in the prior art) elements (*see* M.P.E.P. § 2173.05(j)).

For the reasons discussed above, the Examiner is respectfully requested to withdraw the 35 U.S.C. §112 rejection.

CONCLUSION

In view of the foregoing amendment remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. § 112, first paragraph, written description. The amendment places the case in condition for allowance, does not raise any issues of new matter, and does not present new issues requiring further consideration or search. Applicants respectfully submit that all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance is respectfully requested.

As noted above, Applicants respectfully request a telephone conference with the Examiner to expedite prosecution of this application. After the Examiner has reviewed the instant amendment, Applicants request that the Examiner please telephone the undersigned at (858) 720-7961.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.300622004810. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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